



Sen. William R. Haine

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09400HB2946sam001

LRB094 05402 RLC 57385 a

1 AMENDMENT TO HOUSE BILL 2946

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2946 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by adding  
5 Section 12-36 as follows:

6 (720 ILCS 5/12-36 new)

7 Sec. 12-36. Possession of certain dogs by felons  
8 prohibited.

9 (a) For a period of 10 years commencing upon the release of  
10 a person from incarceration, it is unlawful for a person  
11 convicted of a forcible felony, a felony violation of the  
12 Humane Care for Animals Act, a felony violation of Article 24  
13 of the Criminal Code of 1961, a felony violation of Class 3 or  
14 higher of the Illinois Controlled Substances Act, a felony  
15 violation of Class 3 or higher of the Cannabis Control Act, or  
16 a felony violation of Class 2 or higher of the Methamphetamine  
17 Control and Community Protection Act, to knowingly own,  
18 possess, have custody of, or reside in a residence with,  
19 either:

20 (1) an unspayed or unneutered dog or puppy older than  
21 12 weeks of age; or

22 (2) irrespective of whether the dog has been spayed or  
23 neutered, any dog that has been determined to be a vicious  
24 dog under Section 15 of the Animal Control Act.

1       (b) Any dog owned, possessed by, or in the custody of a  
2 person convicted of a felony, as described in subsection (a),  
3 must be microchipped for permanent identification.

4       (c) Sentence. A person who violates this Section is guilty  
5 of a Class A misdemeanor.

6       (d) It is an affirmative defense to prosecution under this  
7 Section that the dog in question is neutered or spayed, or that  
8 the dog in question was neutered or spayed within 7 days of the  
9 defendant being charged with a violation of this Section.  
10 Medical records from, or the certificate of, a doctor of  
11 veterinary medicine licensed to practice in the State of  
12 Illinois who has personally examined or operated upon the dog,  
13 unambiguously indicating whether the dog in question has been  
14 spayed or neutered, shall be prima facie true and correct, and  
15 shall be sufficient evidence of whether the dog in question has  
16 been spayed or neutered. This subsection (d) is not applicable  
17 to any dog that has been determined to be a vicious dog under  
18 Section 15 of the Animal Control Act."